

United States District Court
Western District of Texas
Austin Division

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREG ABBOTT, in his capacity as Governor
of the State of Texas, and THE STATE OF
TEXAS,

Defendants.

No. 1:23-cv-00853-DII

EPI'S CANOE & KAYAK TEAM, LLC AND
JESSIE FUENTES,

Plaintiffs,

v.

STATE OF TEXAS, *et al.*,

Defendants.

No. 1:23-cv-00836-DII

**DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTIONS FOR PRELIMINARY
INJUNCTION**

EXHIBIT L



Border Rescues and Mortality Data

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Transnational criminal organizations continue to recklessly endanger the lives of individuals they smuggle for their own financial gain. Smuggling organizations often abandon migrants in remote and dangerous areas, where severe heat, exposure, and miles of unforgiving desert pose countless threats to migrants. Preventing the loss of life is core to our mission, and CBP personnel endeavor to rescue those in distress. Tragically, the number of deaths in these harsh environments is still too high.

Pursuant to Congressional reporting requirements, CBP tracks migrant deaths under two separate sets of criteria. CBP's Office of Professional Responsibility (OPR) conducts independent oversight of in custody and certain other CBP related deaths. CBP and the U.S. Border Patrol (USBP) also track southwest border (SWB) deaths, in conjunction with their Missing Migrant Program (MMP). CBP initiated the MMP in 2017 to prevent the deaths of migrants during their journey with signage, rescue beacons, and other tools to enable individuals in distress to contact agency personnel.

While CBP works hard to track this information as fully and accurately as possible, these data are not all encompassing. These numbers may differ from other organizations that track similar data.

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FY 2021 CBP Office of Professional Responsibility Mortality Reporting Data

In FY 2021, CBP components conducted a combined 1,956,519 enforcement actions across the United States. From these enforcement actions, CBP OPR reviewed 151 CBP-related deaths. The deaths were categorized into three

categories In Custody (Reportable) Not in Custody (Reportable) and Not in Custody (Not Reportable)

In Custody (Reportable)

Subject dies in the process of being physically detained by CBP

Subject dies after being detained or arrested or while being escorted to a CBP vehicle

Subject dies due to vehicle collision, is struck by a vehicle, or dies by any other means while being actively pursued by CBP

Subject dies due to actions of CBP while attempting to detain or arrest subject (e.g. struck by CBP vehicle)

Subject dies while being transported by, or in the custody of, a CBP contractor

Subject dies in a CBP holding facility or in route to a CBP holding facility

Subject dies as a result of any use of force by CBP personnel

Subject dies while undergoing secondary inspection or detained by CBP personnel for any other reason

Subject dies after being admitted to a medical facility while still in CBP's legal custody

Not in Custody (Reportable)

Subject dies while attempting to elude CBP but not being actively pursued (including falls from border barriers)

Subject dies before, during, or after primary or outbound inspection at a port of entry (unless referred to secondary or due to use of force)

Subject dies before, during, or after primary inspection at a USBP checkpoint (unless referred to secondary or due to use of force)

Subject that is not detained or arrested dies while being transported in a CBP owned vehicle or other conveyance with the sole purpose of obtaining immediate medical care

Subject dies while processing of import/export paperwork or while paying import/export fees

Not in Custody (Not Reportable)

Subject discovered in medical distress and dies in the field or in route to hospital (not in a CBP vehicle)

Subject discovered in medical distress and dies during initial lifesaving efforts at hospital

Remains discovered by CBP personnel

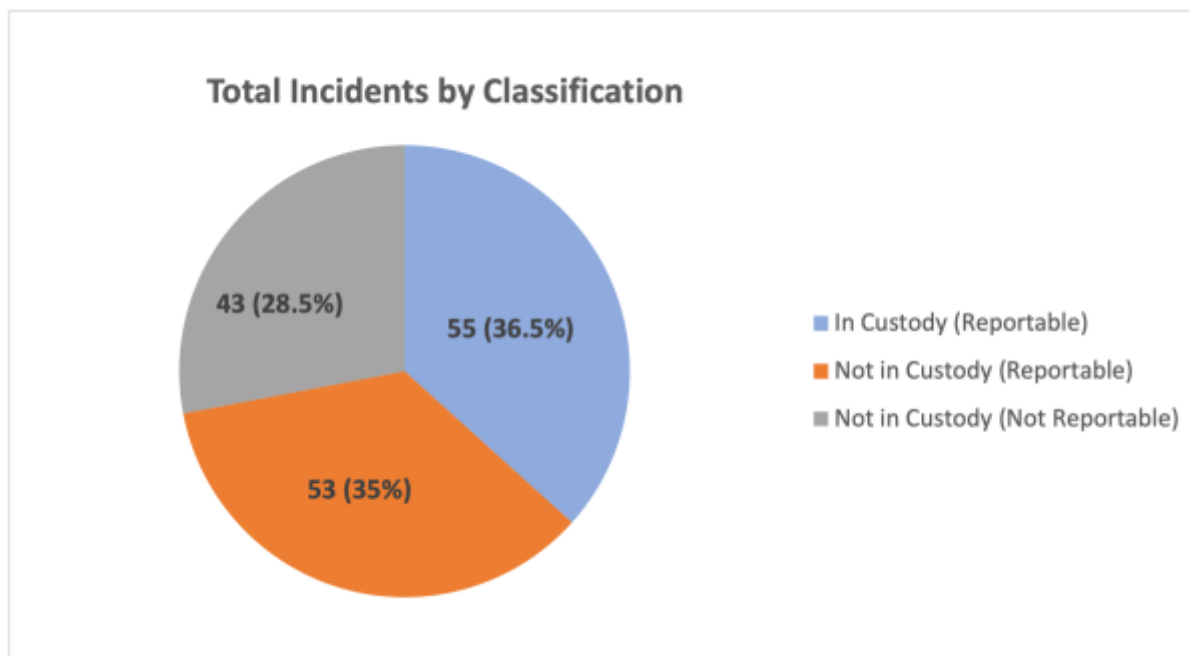
Discovery of deceased individuals by other agencies

Deaths resulting from an enforcement action in which CBP personnel did not participate

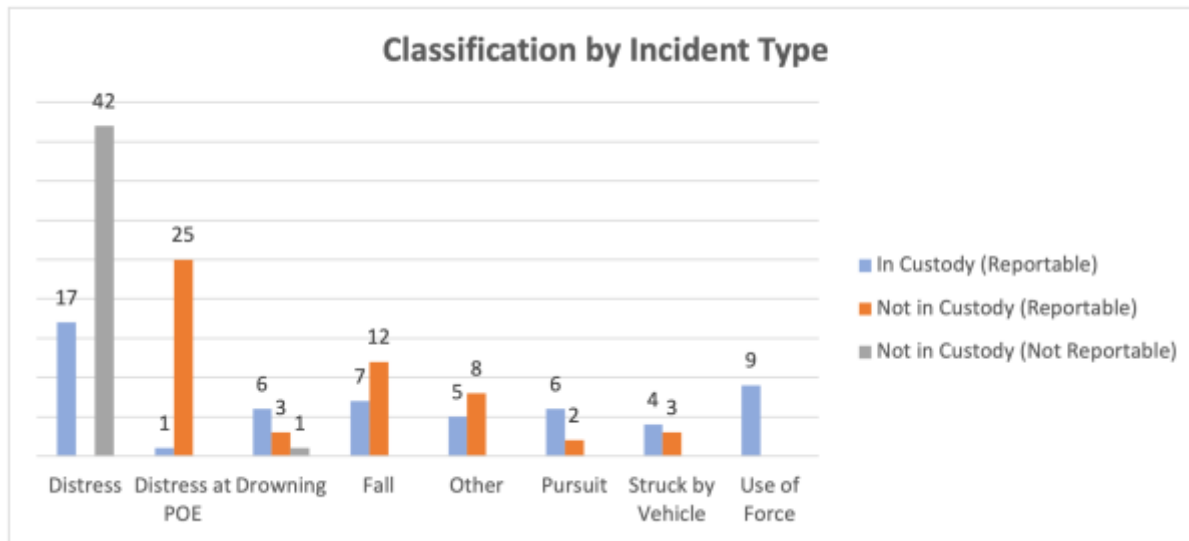
Subject found deceased by CBP personnel in connection with a search and rescue operation

CBP-Related Deaths: Incidents by Classification

Of note, the not in custody and not reportable deaths included in the OPR review, shown below, were only those involving decedents who are found in medical distress and who died during initial lifesaving efforts.



CBP-Related Deaths: Incident Types



For additional information and more detailed data regarding the OPR data please see the [FY2021 CBP Related Deaths Report](#). For further additional information, please read the [Notification and Review Procedures for Certain Deaths and Deaths in Custody](#).

Southwest Border Missing Migrant Program Data

The USBP Missing Migrant Program (MMP) continues to expand partnerships with key stakeholders to improve tracking of reportable incidents. The MMP was implemented under the Missing Persons and Unidentified Remains Act of 2019 (P.L. 116–277). Through partnerships with federal, state, tribal, and local agencies, along with nongovernmental organizations (NGO) and foreign consular offices USBP now has a standardized active MMP in all nine USBP Southwest Border sectors.

The MMP's statistics are pulled from designated target zones, which comprise 45 counties along the southwest border that are historical routes of travel for undocumented migrants. The MMP maintains the following criteria for decedents included in their report

A suspected undocumented migrant who died

- In furtherance of an illegal entry
- Within a designated target zone, or
- Whether or not USBP was involved directly;

or

A suspected undocumented migrant who died:

- In furtherance of an illegal entry,
- Outside of a designated target zone, or
- If USBP was involved directly with the incident.

USBP Southwest Border Deaths by Discoverer

Discoverer	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
USBP	201	201	226	200	448
Other*	97	80	74	54	120
Totals	298	281	300	254	568

*Other includes discovery by federal, state, tribal, and local agencies other than CBP.

USBP Southwest Border Deaths by Gender

Gender	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Female	18	15	28	22	101

Gender	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Male	151	164	178	148	364
Unknown	129	102	94	84	103
Totals	298	281	300	254	568

USBP Southwest Border Deaths by Age Group

Age Group	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
0 - 17	9	4	8	7	8
18 - 25	29	44	43	46	110
26 - 35	43	39	53	42	114
36 - 45	30	32	40	27	75
46 - 55	6	9	12	9	37
56 and Older	2	2	3	6	13
Unknown	179	151	141	117	211
Totals	298	281	300	254	568

USBP Southwest Border Deaths by Nationality

Bangladesh	1	2	1	0	0
Brazil	7	1	1	0	4
China	0	0	1	0	1
Colombia	0	1	0	0	2
Cuba	1	0	0	0	4
Dominican Republic	2	0	3	0	0
Ecuador	6	2	6	4	12
El Salvador	15	8	7	2	19
Guatemala	20	20	21	11	32
Honduras	10	14	16	11	30
India	0	0	1	0	0
Kazakhstan	1	0	0	0	0
Mexico	98	117	124	136	334
Nicaragua	1	1	2	0	4
Peru	0	1	0	0	0

Romania	1	0	0	0	0
Venezuela	0	0	0	1	1

USBP Southwest Border Deaths Reported by Sector

Sector	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Rio Grande Valley Sector	104	96	69	58	130
Laredo Sector	84	69	78	57	75
Del Rio Sector	18	20	38	34	100
Big Bend Sector	3	10	3	15	39
El Paso Sector	8	6	20	10	39
Tucson Sector	73	58	61	43	78
Yuma Sector	2	1	7	7	30
El Centro Sector	2	17	17	17	45
San Diego Sector	4	4	7	13	32
Totals	298	281	300	254	568

USBP Southwest Border Death by Type

Type of Death	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Environmental Exposure-Heat	68	95	110	104	219
Environmental Exposure-Cold	2	28	7	7	21
Train-Related	2	0	0	1	1
Motor-Vehicle-Related	2	5	11	9	41
Water-Related	91	54	66	41	78
Other ¹	51	36	21	20	86
Undetermined ²	35	37	60	42	73
Skeletal Remains ³	47	26	25	30	49
Totals	298	281	300	254	568

¹ Type of death that doesn't fall into one of the other stated categories to include, animal-related, homicide, suicide, etc.

² A deceased subject is found, and the cause of death cannot be determined by the medical examiner

³ Only bones are discovered from a deceased individual, to include not a full set of bones

Southwest Border Migrant Rescues Data

The USBP Southwest Border rescues data highlights the extraordinary number of resources USBP has dedicated to this humanitarian mission and to preventing the loss of life.

USBP Southwest Border Rescue Incidents by Sector

Sector	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Rio Grande Valley Sector	355	345	184	138	508
Laredo Sector	248	278	310	317	568
Del Rio Sector	50	60	108	104	906
Big Bend Sector	12	27	13	66	190
El Paso Sector	19	10	20	4	526
Tucson Sector	476	574	570	423	164
Yuma Sector	2	10	23	35	137
El Centro Sector	4	9	30	69	158
San Diego Sector	27	13	16	40	266
Totals	1,193	1,326	1,274	1,196	3,423

USBP Southwest Border Rescues by Sector

Sector	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Rio Grande Valley Sector	1,191	1,623	794	304	949

Sector	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Laredo Sector	1,242	1,509	2,453	3,549	7,109
Del Rio Sector	99	114	480	202	2,096
Big Bend Sector	26	71	45	150	748
El Paso Sector	44	17	40	12	688
Tucson Sector	757	926	930	774	233
Yuma Sector	6	20	82	114	424
El Centro Sector	4	14	78	171	328
San Diego Sector	48	25	19	60	282
Totals	3,417	4,319	4,921	5,336	12,857

USBP Southwest Border Rescues by Type

Rescue Type	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Environmental Exposure-Heat	366	480	380	458	1,664
Environmental Exposure-Cold	49	56	64	56	317
Water-Related	54	53	239	206	136
Other	511	547	444	319	1,076

Rescue Type	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Motor-Vehicle-Related	215	188	138	152	209
Train-Related	0	6	9	9	22
Totals	1,195	1,330	1,274	1,200	3,424

USBP Southwest Border: Number of People by Rescue Type

Rescue Type	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Environmental Exposure-Heat	725	1,209	924	1,159	3,760
Environmental Exposure-Cold	112	118	132	139	961
Water-Related	131	86	742	384	249
Other	829	945	768	631	1,713
Motor-Vehicle-Related	1,620	1,938	2,343	2,979	5,999
Train-Related	0	23	12	44	175
Totals	3,417	4,319	4,921	5,336	12,857

Tags: [Accountability and Transparency](#)

Language

English

Last Modified: July 24, 2023